



Security Council

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Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Ecuador, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

[Original: Spanish]

Note verbale dated 27 December 2001 from the Permanent Mission of Ecuador to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Ecuador to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to attach Ecuador's report on the implementation of that resolution (see enclosure).

Enclosure**Republic of Ecuador****Report on the implementation of United Nations Security Council resolution 1373 (2001) concerning counter-terrorism****Background information**

Ecuador condemns the terrorist acts of 11 September 2001 and rejects all terrorist crimes and activities. In a letter addressed to the President of the United States of America on that date, the President of Ecuador, Gustavo Noboa, affirmed that "the Ecuadorian people and Government are deeply dismayed at, and strongly condemn, these senseless attacks" and expressed his belief that "international terrorism in all its forms must be fought with all the mechanisms of international law available to peace-loving peoples".

In response to Security Council resolution 1373 (2001), and in reference to communication SCA720701 of 23 October 2001 from the Chairman of the Counter-Terrorism Committee, the Ministry of Foreign Affairs of Ecuador announced that the Permanent Mission of Ecuador to the United Nations, headquartered in New York, and the General Coordination Office of that Ministry have been chosen to be the contact points for the purposes and work of the Committee. In addition, the General Coordinator of the Ministry of Foreign Affairs was appointed National Coordinator for Counter-Terrorism Activities.

The Ministry of Foreign Affairs set up a working group that has prepared a series of studies and documents on terrorism, on Ecuador's position on this problem and on actions that should be taken to implement resolution 1373 (2001) in Ecuador. An inter-agency committee, composed of representatives of the Supreme Court of Justice, the Ministries of Government and Police, National Defence and Economy and Finances, the Public Prosecutor's Office, the Superintendencies of Banks and Companies and the National Telecommunications Council (CONATEL), subsequently met to take immediate steps pursuant to the Security Council resolution. The Ministry of Foreign Affairs requested that the National Congress should promptly approve an agreement and two protocols on counter-terrorism, which are being considered in Parliament and are the only international instruments which Ecuador has not yet ratified.

1. Financial control

The Superintendency of Banks of Ecuador, through the National Administration for the Supervision of Financial Institutions, has instructed all banks and entities under its control to investigate the existence of accounts that might correspond to any person or organization having terrorist connections and appearing on the lists provided by the United Nations Security Council. Pursuant to this instruction, if funds or other assets belonging to such persons or organizations are found, they must be frozen. All banks domiciled in Ecuador are required to submit reports on this matter.

For its part, the Ecuadorian Superintendency of Companies has requested the administrations of all companies to submit suggestions for more effective financial control and has instructed them, in accordance with resolution 1373 (2001), to

prevent and suppress the financing of terrorist groups, criminalize the provision or collection of funds to be used for terrorist acts and freeze the funds and other financial assets of persons connected with terrorism.

2. Domestic legislation and international conventions

Chapter III of the Ecuadorian Penal Code imposes penalties for offences against the internal security of the State and provides that "the very existence of an attempt is punishable" (art. 130). Article 136 stipulates that an attack whose purpose is to cause devastation and bloodshed shall be punishable by eight to 12 years' rigorous imprisonment". The same article establishes that "conspiracy to carry out such an attack, followed by any act of preparation for it, shall be punishable by four to eight years' rigorous imprisonment". Article 138 of the Code provides for a penalty of from one to five years for anyone "who hijacks (...) a warship" or "aircraft". In addition, article 147 stipulates that "anyone who promotes, directs or participates in guerrilla organizations, commandos, combat groups or terrorist groups or cells whose purpose is to subvert public order or overthrow, attack or interfere with the normal functioning of the Government shall be punishable by rigorous imprisonment of from four to eight years" and a fine.

Moreover, chapter IV, article 160, of the Penal Code imposes a penalty of three to six years' medium-term rigorous imprisonment and a fine for "anyone who, for the purpose of committing offences against the security of persons or property, manufactures, provides, acquires, steals, throws, uses or introduces into the country weapons, munitions or explosives, explosive substances, asphyxiating or toxic materials, or substances used in their preparation". "If the said acts cause injury to persons, the maximum penalty set forth in the previous paragraph shall be imposed, and if the death of one or more persons results, the penalty shall be 16 to 25 years' long-term rigorous imprisonment" and a fine. An additional article (art. 160-A) of the Ecuadorian Penal Code provides that "anyone who, individually or collectively, as participants in irregular forces, organizations, gangs, commandos, terrorist groups, guerrillas or similar groups, whether armed or not, and whether claiming patriotic, social, economic, political, religious, revolutionary, retaliatory, proselytizing, racial, local or regional motives, commits offences against the security of persons or human groups of any type, or against their property, by attacking, damaging or destroying buildings, banks, warehouses, shops, markets or offices; or by raiding or invading homes, living quarters, secondary or primary schools, institutes, hospitals, clinics or convents, or government, military, police or paramilitary installations; or by stealing or confiscating property or assets of any type or amount; or by abducting persons or taking over vehicles, vessels or aircraft for the purposes of demanding ransom, exerting pressure and calling for changes in laws or legally promulgated orders and provisions or demanding that the competent authorities release persons being held or punished for common or political offences; or by occupying, by force, threat or intimidation, public or private premises or services of any nature or type; or by building barricades, barriers, trenches or obstacles for the purpose of confronting the Government to defend his or her intentions, plans, opinions or manifestos; or by attacking, in any way, the community or its property and services, shall be subject to a penalty of from four to eight years' rigorous imprisonment and a fine". "If the said criminal acts cause injury to persons, the maximum penalty set forth in the previous paragraph shall be

imposed, and if the death of one or more persons results, the penalty shall be 16 to 25 years' long-term rigorous imprisonment and a fine."

In addition, article 13 of the Basic Regulations of the Department of Public Security provides that one of the functions of provincial public security agencies is to "plan and carry out immediate, short-term and future actions to neutralize and prevent the activities of elements and organizations that are carrying out proselytizing activities, especially those involving sabotage, espionage, sedition, subversion and terrorism and other activities that endanger the internal security of the State and the peace and tranquillity of the citizenry".

The Political Constitution also provides that "the State guarantees to all its inhabitants (...) enjoyment of the human rights established by this Constitution and in the declarations, pacts, agreements and other international instruments in force" (art. 17); that "the State shall adopt the necessary measures to prevent, eliminate and punish, especially, violence against children, adolescents, women and senior citizens"; that "lawsuits and punishments for (...) kidnapping and homicide for political reasons (...) shall be imprescriptible"; and that these offences "shall not be susceptible to pardon or amnesty" (art. 23).

Notwithstanding the above, the inter-agency meeting convened to review the topic considered that current Ecuadorian law on counter-terrorism could be strengthened by incorporating updated definitions that would duly criminalize certain offences and would increase the penalties for those who have committed certain crimes. Consequently, it was decided to form a commission to draft a revised Penal Code, which will be submitted as soon as possible to the National Congress for adoption.

With regard to international conventions, the Political Constitution of the Republic of Ecuador "declares international law as the norm for the conduct of States in their reciprocal relationships" and, therefore, that of Ecuador (art. 4, para. 3). Article 18 adds that "the rights and guarantees determined by this Constitution and by the international instruments in force are directly and immediately applicable before any judge, tribunal or authority". As Ecuador is a founding Member of the United Nations and has signed and ratified the Charter of the Organization, the resolutions adopted by the Security Council under the provisions of the Charter are legally in force in Ecuador. Consequently, Security Council resolution 1373 (2001) is binding on Ecuador, and the State authorities and entities have therefore undertaken to implement its provisions in accordance with the foregoing paragraphs.

Ecuador has ratified nine of the 12 existing international conventions against terrorism, and the remaining three, including the International Convention for the Suppression of the Financing of Terrorism, are in the process of ratification by the National Congress.

By putting forward various initiatives and proposals, Ecuador also participates actively and directly in the work of the relevant committees of the United Nations and of the Organization of American States on elaborating international and hemispheric conventions against terrorism.

3. Security, monitoring and control measures and police and military measures

The Office of the Public Prosecutor has instructed the district prosecutors' offices to undertake, together with the judicial police and in coordination with the

area command of the armed forces, the investigation and prosecution of persons suspected of participating in the financing or preparation of terrorist acts.

The Ecuadorian National Police Command has issued a confidential directive with specific anti-terrorist instructions to the National Intelligence Office, the National Office of Judicial Police and Investigation, the National Anti-Narcotics Office, the National Migration Office, the National Public Security Office, the four district commands and the special units.

The Ecuadorian National Police has formed a special working team to uncover, investigate, neutralize and gather intelligence to prevent terrorist activities in Ecuador and share information with other countries.

The National Police is training staff in this area to deal with the problem more efficiently. It has reassigned police, especially in the border regions, to strengthen security and control the movement of persons and vehicles. The police structure has been reorganized in the various provincial commands in the northeast sector. The National Police is coordinating with the United States of America to share information and train and equip the National Intelligence Office and the Anti-terrorist Unit. A database containing information on all persons that may have terrorist connections is being constantly updated.

In the border areas, the Ecuadorian armed forces have tightened stationary and mobile land and water patrols to prevent the infiltration of terrorist groups and drug traffickers linked to terrorist activities. The Military Intelligence Office maintains constant vigilance to detect the presence of elements related to guerrilla drug trafficking and terrorist or armed groups operating in neighbouring Colombia. The Ecuadorian armed forces have formed an elite, specially trained unit (Grupo Especial de Operaciones (GEO)) to fight terrorism.

The Intelligence Section of the armed forces keeps in contact with the security organizations of neighbouring countries. Meetings with some of them have been held to share intelligence and coordinate efforts.

A number of steps have been taken to enhance the security of travel documents, and a new Ecuadorian passport will soon be issued; it has the highest security standards possible to prevent forgeries or alterations.

4. Procedures to prevent abuse of refugee status by terrorist elements

Ecuador is a party to the 1951 Geneva Convention on the Status of Refugees. To implement this Convention, the State adopted regulations under Executive Decree No. 3301 of 6 May 1992.

These regulations provide that any person seeking asylum must file an application and undergo a review of his or her case before being accepted or rejected as a refugee. While the Commission on the Status of Refugees in Ecuador studies the case and makes a determination, the applicant receives a 90-day provisional applicant certificate until the situation is resolved. This certificate should not be taken as being a recognition of refugee status; it is only a temporary document.

Every applicant must undergo a confidential and detailed process of interviews and prior investigation. This process results in a report by the secretariat of the Commission, based upon which the Commission determines the outcome of each case.

Before resolving the applicant's situation, the Commission, if it considers that a person may have a criminal record or is suspected of having committed a crime, requests the Ecuadorian National Police, a body which is also represented on the Commission, to investigate the matter. If an applicant has committed serious crimes or offences against the peace or against humanity in his or her country of origin or in any other country, the application is rejected on the grounds that it contravenes international and national law.

If, after being accepted as a refugee, a person commits acts characterized by international law as crimes against humanity or offences against the peace, his or her refugee status is immediately revoked, and he or she is subject to domestic criminal procedures or to being expelled, if extradition is requested by another interested country. If the offence is an ordinary serious offence, his or her refugee status is not revoked, but he or she is subject to the criminal procedures and penalties prescribed by Ecuadorian law.

The Ministry of Foreign Affairs, in issuing the 12-IV refugee visa, requires each refugee to renew the visa every year; this makes it possible to monitor his or her activities in Ecuador. The Ministry collaborates with the Migration Police, which takes a migratory census of every alien resident in Ecuador.

The present document is Ecuador's first report submitted in compliance with United Nations Security Council resolution 1373 (2001).

Ecuador, in line with its foreign policy, will continue its fight against terrorism by all means available to it.

To that end, it will follow up the steps already taken on this issue and will continue to submit future reports as required.



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The Counter-Terrorism Committee has received the attached report from Yugoslavia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

[Original: English]

Letter dated 24 December 2001 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to enclose herewith the report of the Federal Republic of Yugoslavia to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure). I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(Signed) Dejan Šahović
Ambassador
Permanent Representative

Enclosure**Report of the Federal Republic of Yugoslavia to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)**

For the purpose of implementing UNSC resolution 1373 (2001) of 28 September 2001, the Government of the FR of Yugoslavia adopted at its meeting held on 11 October 2001 the Conclusions on a series of measures to be taken at the national level to combat international terrorism. The Government supported all measures contained in resolution 1373 (2001), the Conclusions of the European Union of 21 September 2001, as well as the positions of other international and regional organizations related to combating international terrorism. It was decided that the FR of Yugoslavia become a party to all major international conventions related to combating specific aspects of international terrorism, to which it has not acceded so far. It was also decided to step up, in line with resolution 1244 (1999), cooperation between the Coordinating Centre for Kosovo and Metohija and UNMIK and KFOR with a view to preventing and suppressing acts of terrorism.

With a view to coordinating better the implementation of all decisions taken by the Federal Government and preparing the Report of the FR of Yugoslavia to the United Nations Security Council, an inter-departmental Working Group has been established, composed of the representatives of the following Federal and Republican Ministries and institutions:

- Federal Ministry of Foreign Affairs
- Federal Ministry of the Interior
- Federal Ministry of Defense
- Federal Ministry of Finance
- Federal Ministry of Justice
- Federal Ministry of Transport and Telecommunications
- Federal Customs Administration
- National Bank of Yugoslavia
- Ministry of the Interior of the Republic of Serbia

The Working Group had an exchange of views on all aspects of combating international terrorism. At the meetings of the Group, a number of proposals and initiatives were advanced in order to amend the Yugoslav legislation and bring it in line with UNSC resolution 1373 (2001) and relevant international conventions.

In line with the operative paragraph 6 of resolution 1373 (2001), the Government of the FR of Yugoslavia submits the following Report regarding the Guidelines for the implementation of the resolution:

Operative paragraph 1

- (a) What measures if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?**

The Federal Law on Money Laundering has been enacted ("Official Gazette of the FRY", No. 53/2001). This Law provides for measures and actions to be taken by all relevant agencies, such as banks and other financial organizations, postal savings banks, National Bank of Yugoslavia - Department of Accounting and Payments - insurance companies, stock exchanges, stock brokers and all other agents involved in monetary transactions. Substantial fines have been provided for those violating this Law, as well as punishments (one to eight years in prison).

In October 2001, the Governor of the National Bank of Yugoslavia issued instructions to the Association of Banks and Other Financial Organizations of the FR of Yugoslavia, requesting them to tighten controls in line with the provisions of UNSC resolutions 1267, 1333 and 1373 and, specifically, to examine documents related to

accounts held by foreign persons in Yugoslav banks. Until the completion of this Report, the relevant Yugoslav banks found no trace of accounts or institutions that may fall under the scope of the said resolutions.

Since the FR of Yugoslavia signed the International Convention for the Suppression of the Financing of Terrorism, its national legislation will be adjusted accordingly.

(b) What are offences and penalties in your country with respect to the activities listed in this sub-paragraph?

In view of the fact that the FR of Yugoslavia has not yet ratified the International Convention for the Suppression of the Financing of Terrorism, Yugoslav laws do not incriminate the raising of money and making it available for financing terrorist acts. However, these acts would be punishable under general provisions of laws on crime, i.e. the provisions on punishing incitement. Under Article 24 of the Criminal Law of the FR of Yugoslavia, a person that knowingly assists another person in committing a criminal act shall be punished as if he/she himself/herself committed the act, but may be given a more lenient punishment. Incitement is understood as any act that may contribute to the commission of a criminal act, especially: giving advice or instructions as to how to commit a criminal act; making funds available to the perpetrator to commit a criminal act; facilitating the commission of a criminal act; and a promise given beforehand to cover up the acts committed and funds used to commit a criminal act and to remove the traces of a criminal act or items acquired in the commission of a criminal act.

(c) What legislation and procedure exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

There is no special law in the FR of Yugoslavia that may serve as a basis to freeze accounts in banks and financial institutions. However, according to the general provisions of the Law on Criminal Procedure relative to the temporary seizure of items related to a criminal act, and in view of an obligation to ban financial resources related to terrorism on the basis of the interpretation of Article 210 of the Law on Criminal Procedure, it is possible to ban temporarily the use of financial resources deposited only in accounts of legal persons.

(d) What measures exist to prohibit the activities listed in this sub-paragraph?

As to measures that may contribute to the detection of the financing of terrorism and/or the seizure of the funds intended for financing terrorism, it is emphasized that a new Law on Criminal Procedure is expected to be adopted in the FR of Yugoslavia by the end of 2001 providing for greater law enforcement powers to control financial transactions related to criminal acts. For example, Article 234 of the Law envisages that, if the investigating judge has a reason to believe that a criminal act punishable with ten or more years in prison has been committed, he/she may, at a request of the State Prosecutor, order a banking, financial or other organization to provide information about defendants' business or personal accounts. Also, the present Law on Criminal Procedure (Article 211) and the new Law on Criminal Procedure (Article 82) provide for a possibility that items which are to be seized or which may be used as evidence in criminal proceedings may be temporarily seized. Under Article 67 of the Criminal Law of the FR of Yugoslavia, these items are the items used or intended to be used for the commission of a criminal act or created as a result of the commission of a criminal act. Under Article 500 of the Law on Criminal Procedure, these items may be seized even if the defendant is not found guilty if so required by the interests of general security and moral concerns. On this basis, financial resources meant for the commission of criminal acts constituting international terrorism may be seized either temporarily for the duration of the criminal proceedings or permanently upon its completion.

Operative paragraph 2

- (a) What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

The following provisions of the Criminal Law of the FR of Yugoslavia are relevant to the fulfilment of the above obligations:

- Article 26 ("Criminal responsibility and punishment of organizers of a criminal association"), providing for responsibility of a person who, for the purpose of committing a criminal act, created or used an organization, gang, conspiracy, group or another association, regardless of whether and in what capacity that person took part in the commission of some of these acts. Such a person shall be held responsible as though he/she himself/herself committed these acts.
- Article 254 ("Association for the purpose of committing criminal acts covered by the Federal Law"). In its basic form (para. 1), the act involves a person establishing a group aimed at committing criminal acts covered by the Federal Law, punishable with five or more years in prison. The establishment of a group is a criminal act in itself and it is not necessary that an act for which the group has been established be committed. If even one of these acts has been committed, the perpetrator of the act from para. 1 is held responsible under the provisions of Article 26 of the Criminal Code of the FR of Yugoslavia. Membership in the group (para. 2) is also punishable, but with a more lenient punishment – one year in prison. Paras. 3 and 4 provide for a more lenient punishment, i.e. the possibility of acquittal for members or the organizer of a group who exposes the group.
- Article 253 ("Plotting to commit a criminal act covered by the Federal Law"). This criminal act is committed if at least two persons conspire to commit a criminal act, punishable with five or more years in prison or by a more severe punishment. This act is punishable with up to one year in prison.

As for providing arms to terrorists, a person supplying arms to terrorists shall be held responsible under Article 24 ("Incitement"). Under the Article, a person who knowingly helps another person to commit a criminal act shall be punished as though he/she himself/herself committed it. He/she may also be punished more leniently, depending on the circumstances of a case. In certain cases, the application of Article 33 of the Law on Weapons and Ammunition may be considered, providing for the punishment of illegal purchase, holding, carrying, manufacture, trade or sale of firearms, ammunition or explosive substances. The commission of the basic act qualified in para. 1 relative to arms, ammunition or explosive devices, the production of, and trade in, which are legal, is punishable with six months to three years in prison, while the commission of the form of the act qualified in para. 2 relative to arms, ammunition or explosive devices, the production of, and trade in, of which are illegal, is punishable with one to five years in prison. The commission of the form of the act qualified in para.3 relative to large quantities of items from paras. 1 and 2 or sprinkler and gas bombs, firearms, ammunition or explosive substances of high destruction power is punishable with at least three years in prison.

- (b) What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?**

The Federal Ministry of the Interior and the Ministries of Interior of the Republics of Serbia and Montenegro are responsible for taking measures against terrorism and terrorists in the territory of the FR of Yugoslavia. The Federal Ministry of the Interior is in charge of the enforcement of federal laws, maintenance of international cooperation, implementation of international agreements, protection of foreign diplomatic and consular missions and other issues of cooperation. The Ministries of the Interior of the two Republics are in charge of operations in the field, prevention and detection of criminal acts and their perpetrators, their arrest and the bringing of criminal charges against them.

Under the Constitution and the laws and within the scope of its powers, the Army of Yugoslavia also takes measures to combat terrorism. Under the Law on Crossing the State Border and Movement in the Border Area, it guards the State border 2,445 km long outside border crossings and populated areas. A part of the border of the FR of Yugoslavia (295 km) in the territory of Kosovo and Metohija with the Republic of Macedonia and the Republic of Albania is controlled by KFOR. Alongside KFOR, the Army of Yugoslavia guards the administrative boundary with Kosovo and Metohija 420 km long, including 27 check-points.

After 11 September 2001, security measures at all levels and in all areas have been strengthened. Special attention has been accorded to the protection of major State and economic facilities: airports, ports, railroad and bus stations and more stringent control of traffic and the movement of foreigners, passengers and luggage introduced. Security measures for all State and other important facilities have been also tightened, while special measures have been introduced regarding the reception, processing and delivery of mail.

The number of police officers providing outside protection to diplomatic and consular missions in Belgrade has also been increased.

In view of the security problems in Kosovo and Metohija and in the area of the former Ground Safety Zone (southern Serbia) and taking into account the latest developments in the Republic of Macedonia, intelligence activities related to the early detection and prevention of terrorist acts and other forms of violence have been stepped up. The control of the crossing of the State border and the administrative boundary with Kosovo and Metohija has been tightened.

The Federal Minister of the Interior issued the Rules of Procedure, regulating space, premises, technical equipment and the method of conducting anti-terrorist inspection at airports ("Official Gazette of the FRY" No. 13/00) and the Rules of Procedure on weapons-handling methods and the search of persons and their luggage in public air-transport ("Official Gazette" No. 13/00). By the adoption of these Rules, the legal groundwork has been set in place for effective anti-terrorist inspection and tools have been provided to prevent terrorist attacks in the field of air transport in line with international obligations and standards.

Full attention has been given to preventive measures against bio-terrorism. They include increased food production controls, medical check-ups of workers in food industry and the sanitary-technical inspection of plants, storages and food processing units. The Centre of Toxicology of the Military Academy Hospital in Belgrade provides information and expert knowledge relative to the method of identification and prevention of biological agents.

Measures are being taken at border crossings and all over the country to uncover illegal groups smuggling firearms, explosive substances and explosives to and from the FR of Yugoslavia. In September and October 2001, two groups were uncovered and arrested in an attempt to smuggle a large quantity of firearms through the territory of the Republic of Serbia to foreign buyers.

There are specialized anti-terrorist units in the Ministries of the Interior of the two Republics and in the Army of Yugoslavia.

In the context of the reforms and organizational changes in the Ministry of the Interior of the Republic of Serbia two special units have been established – the Gendarmerie and the Agency to Combat Organized Crime. They are in charge of providing security against terrorist and other armed groups and devising measures and taking actions to detect, prevent evidence of, and solve criminal acts against humanity and international law.

- (c) What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.**

- See reply under operative paragraphs 2 (e) and 3 (f).

- (d) What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.**

- See reply under operative paragraph 2 (e).

- (e) **What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.**

There is no special law in the Yugoslav criminal legislation that deals with all acts related to terrorism. Instead, these acts are dealt with in the following chapters of the Criminal Law of the FR of Yugoslavia:

- Chapter XV "Criminal acts against the security of the FRY" (Article 125);
- Chapter XVI "Criminal acts against humanity and international law" (Articles 155a, 155b and 155c);
- Chapter XXI "Criminal acts against traffic safety" (Articles 240 and 241), and
- Chapter XXII "Criminal acts against other social values" (Articles 247a and 247b).

The Yugoslav legislation recognizes two types of terrorism, internal, anti-State terrorism (Article 125) and international terrorism which comprises elements of foreign nature:

- **International terrorism** (Article 155a): minor offences are punishable with one to fifteen years in prison; grave offences are punishable with ten to forty years in prison;

- **Threats to persons under international protection** (Article 155b): minor offences are punishable with one to fifteen years in prison; causing death to one or more persons as a result of the commission of the offence is punishable with five to fifteen years in prison; the third form of the offence is punishable with ten to forty years in prison; a minor form of the offence qualified in para. 4 is punishable with one to ten years in prison;

- **Taking of hostages** (Article 155b): depending on the gravity and the consequences, the offence is punishable with one, fifteen or forty years in prison;

- **Hijacking of aircraft** (Article 240) and the endangering of the safety of aircraft (Article 241): the basic form of the offence is punishable with one to ten years in prison; grave forms of the offence are punishable with five to fifteen or ten to forty years in prison;

- **Illegal purchase and possession of nuclear substances** (Article 247a): the basic form of the offence is punishable with up to three years in prison; other forms are punishable with six months to five years or at least three to fifteen years in prison;

- **Endangering safety by nuclear substances** (Article 247b), minor offences are punishable with one to three years in prison; grave forms of the offence are punishable with three to fifteen years in prison.

The Yugoslav legislation does not provide for the punishment of the establishment of terrorist groups as a separate offence. However, general provisions on responsibility provide for criminal responsibility and punishment of organizers of criminal associations (Article 26).

- (f) **What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.**

The FR of Yugoslavia is a member of INTERPOL and has bilateral agreements with a large number of countries on legal assistance and cooperation in the field of internal affairs.

- (g) **How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc?**

Border crossing control is carried out at 85 border crossings by the law enforcement organs of the Republic of Serbia and the Republic of Montenegro, while border units of the Army of Yugoslavia provide security outside populated areas and border crossings for the purpose of preventing illegal crossings of the border and the violation of the regime of the border area.

Considering that the so-called Central European and Albanian Adriatic routes of international East/West illicit narcotics, arms and ammunition trade channels and illegal migration flows transit the territory of the FR of

Yugoslavia, the competent authorities of the FR of Yugoslavia have stepped up their cooperation with international organizations in order to detect and prevent these activities.

Measures have been taken to tighten the security of the State border, particularly with a view to controlling illegal immigration. At the end of September 2001, a group of foreign nationals was detected in an attempt to illegally cross the Danube from Romania and enter the FR of Yugoslavia en route to Western Europe. A large group of nationals of various Asian countries entered the FR of Yugoslavia from Bulgaria. Following their apprehension, extensive interrogation was carried out to establish the identity of the members of the group and decide their status. Four persons were deported and 28 were admitted to the UNHCR-sponsored detention centre.

To prevent the FR of Yugoslavia from being used as a transit country for illegal immigration to Western Europe and as part of preventive measures against international terrorism, the FR of Yugoslavia has tightened the control of the entry of foreign nationals. If they fail to meet requisite conditions, they are returned to the country of origin. In principle, visas are issued on the basis of prior approval by the competent authorities, whereby special attention is paid to certain high-risk categories. Control of passengers and their luggage and travel documents has been stepped up, including through checks into police records.

The Federal Ministry of the Interior has been actively engaged in the elaboration of the project of the Council of Europe "Prevention of illegal transport of nuclear and radio-active material to the FR of Yugoslavia". The project was initiated as a result of repeated attempts to bring illegally into the FR of Yugoslavia radiation contaminated materials (at the Preševo border crossing to the Republic of Macedonia and the Veliko Gradište border crossing to Romania). The project is aimed at preventing illegal import of materials with prohibited levels of radiation, as well as other substances that may be contaminated or used for terrorist purposes. In that connection, plans have been devised in cooperation with the International Atomic Energy Agency to equip Yugoslav border crossings and to train its border police.

Operative paragraph 3

(a) What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

Exchange of information with INTERPOL has been intensified on perpetrators of terrorist acts and members of terrorist organizations already in police records. The lists of persons wanted for terrorism have been updated and their names have been forwarded to the Ministries of the Interior of the two Republics.

Contacts have been established with the intelligence department of the UNMIK police in Kosovo and Metohija with a view to exchanging operative information and data related to terrorism and organized crime.

Following the resumption of its membership in INTERPOL, the FR of Yugoslavia expects other members to extend necessary technical assistance and expertise, so that it could re-establish police cooperation with, and benefit from the experience of, other countries and address the joint fight against terrorism successfully.

(b) What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

As to cooperation with police forces of neighbouring and other countries, the question of cooperation in the fight against international terrorism is regularly discussed at bilateral and multilateral meetings and the need for an exchange of information and the taking of joint measures in this area is emphasized.

(c) What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

As to bilateral cooperation with the police of INTERPOL member countries, an exchange of information on persons and circumstances containing elements of organized crime and their connection with international terrorism has been intensified.

Within the Regional Working Group for a joint implementation of laws against illegal migration and organized crime, organized by UNMIBH and comprising the FR of Yugoslavia, Bosnia and Herzegovina, Republic of Croatia, Federation of Bosnia and Herzegovina and Republika Srpska, an exchange of information has been intensified on persons and instances related to terrorism (stay in the territories of those countries, contacts, activities and links to organized crime). An expert working group to deal exclusively with terrorism will soon become operational. In that connection, a database of persons connected with, and instances of, terrorism and a more effective exchange of information are being considered.

International legal assistance is regulated in Yugoslav legislation by the Law on Criminal Procedure. It encompasses general aspects of legal assistance (execution of process-related actions, such as the questioning of defendants, witnesses and forensic experts, on-site investigation, search of premises and individuals, seizure of items, service of summons and other documents related to criminal proceedings), cession and takeover of prosecution, execution of foreign court rulings (transfer of the sentenced persons) and the extradition of defendants and sentenced persons. In the absence of an agreement with a country, the provisions of this Law are applied on a subsidiary basis. The FR of Yugoslavia acceded to multilateral international agreements regulating this type of cooperation and concluded 33 bilateral agreements with 25 States providing for various forms of legal assistance in criminal matters.

The FR of Yugoslavia ratified the Convention on the Transfer of Sentenced Persons, European Convention on Extradition with its Protocols, European Convention on Mutual Assistance in Criminal Matters with its Protocols and the European Convention on the Transfer of Proceedings in Criminal Matters. Preparations are under way to ratify the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the European Convention on the International Validity of Criminal Judgments.

(d) What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

On the basis of the successor statement, the FR of Yugoslavia acceded to the following international conventions:

- Convention on Offences and Certain Other Acts Committed On Board Aircraft, 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, 1988;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;
- International Convention against the Taking of Hostages, 1979.

The FR of Yugoslavia also ratified the United Nations Convention Against Transnational Organized Crime and its Protocols and the European Convention on the Suppression of Terrorism.

On 12 November 2001 the FR of Yugoslavia signed the International Convention for the Suppression of the Financing of Terrorism of 1999 and initiated the procedure for its ratification.

Procedure is under way to accede to the following conventions: Convention on the Physical Protection of Nuclear Materials, 1980 (on the basis of the successor statement); Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988; Convention on the Marking of Plastic Explosives for the Purposes of Detection, 1991; and the International Convention for the Suppression of Terrorist Bombings, 1997.

- (e) Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.**

The Law on the Amendment of the Criminal Law of the FR of Yugoslavia is under preparation with a view to incorporating, inter alia, into the existing Criminal Law new sanctions and to reviewing the existing ones so as to harmonize them with the International Conventions the country has ratified. The preparation of the Law will provide an opportunity to sanction the financing of terrorism as a separate offence in line with Article 2 of the International Convention for the Suppression of the Financing of Terrorism.

- (f) What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.**

Currently, no foreigner in the FR of Yugoslavia has been recognized the right to asylum under Article 44 of the Law on the Movement and Stay of Foreigners ("Official Gazette of the FRY" Nos. 56/80, 53/85, 30/80, 30/90 and 53/91). This Law contains mechanisms preventing foreigners in the FR of Yugoslavia to abuse their stay and engage in the preparation and carrying out of terrorist activities against the host country and other States. The provisions of this Law provide for measures banning entry into the FR of Yugoslavia, canceling temporary stay in, or expulsion from, the country.

In an effort to prevent illegal migration and to act in a prophylactic fashion against international terrorism, as of 1996 the FR of Yugoslavia has expanded its policy of readmission and concluded Agreements on readmission with 8 European Countries: Germany, the Netherlands, Sweden, Switzerland, Hungary, Bulgaria, Slovakia and Slovenia. Negotiations are under way to conclude similar agreements with other countries. Since August 2001, readmission has been successfully implemented in the practice with Germany and Switzerland, while draft agreements on readmission and the protocols thereto have been exchanged with Croatia, Bosnia and Herzegovina, Romania and Greece.

Under the provisions on the admission of foreigners into the Yugoslav citizenship from Article 12 of the Law on Yugoslav Citizenship, no foreigner constituting a security risk and, in particular, coming from a country known to provide haven to terrorists shall be granted Yugoslav citizenship.

- (g) What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.**

The FR of Yugoslavia ratified the European Convention for the Suppression of Terrorism that, in its Article 1, provides that, for the purposes of extradition between Contracting States, none of the following offences shall be regarded as a political offence connected with a political offence or as an offence inspired by political motives:

- a) an offence within the scope of the **Convention** for the **Suppression** of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- b) an offence within the scope of the **Convention** for the **Suppression** of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
- c) a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents;
- d) an offence involving kidnapping, the taking of a hostage or serious unlawful detention;
- e) an offence involving the use of bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons;
- f) an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

According to Article 2 of the said Convention, for the purposes of extradition between Contracting States, a Contracting State may decide not to regard as a political offence or as an offence connected with a political offence or as an offence inspired by political motives a serious offence involving an act of violence, other than one covered by Article 1, against the life, integrity or liberty of a person.

In view of the fact that, under Article 16 of the Constitution of the FR of Yugoslavia, the confirmed international agreements published in accordance with the Constitution constitute an integral part of the internal legal system, it is indisputable that the ratification of the European Convention for the Suppression of Terrorism has created an obligation not to regard, for the purposes of extradition, the criminal acts of terrorism, covered by Articles 1 and 2 of the Convention, as political offences.

Operative paragraph 4 – additional relevant information

The FR of Yugoslavia has been faced with terrorism for quite some time now, particularly in Kosovo and Metohija, which threatens to spill over and cause crises in other parts of the Balkans. Under the direct influence of extremist and terrorist groups of Albanians in Kosovo and Metohija and with their logistic support and material assistance, including dispatch of men and weapons, as well as training of local combatants, terrorist acts have been committed in the former Ground Safety Zone in southern Serbia.

Yugoslav experience reveals that training and the supply of arms and equipment and the commission of terrorist acts in the territory of Kosovo and Metohija have been financed by and large from the head tax levied on all employed Albanians mostly in Western Europe or from the proceeds from the drug trafficking of the Albanian narco-mafia. This channel of terrorists' financing has not been closed, although some countries have taken measures to control the use of these funds registered in them as charities. The competent Yugoslav authorities provided the police in Western European countries timely information about the existence and purposes of these funds.

Under UNSC resolution 1244 and the Kumanovo Military Technical Agreement, international civil and security presences have been deployed in Kosovo and Metohija since 10 June 1999 and the Province has been administered by the United Nations ever since. Accordingly, the Yugoslav authorities have not been in the position to exercise effective authority in this area. However, the FR of Yugoslavia has followed the developments with great attention, particularly those in the field of security.

According to the information of the Yugoslav competent authorities, from the arrival of KFOR and UNMIK to Kosovo and Metohija until 17 November 2001, radical Albanian elements and groups of terrorists carried out 5,616 attacks in Kosovo and Metohija, which, under the Yugoslav laws referred to in para. 2 (e) of the Report, may be regarded terrorist attacks. 1,120 persons were killed, 1,179 wounded and 1,075 kidnapped in those attacks. In the same period, 1,212 attacks, incursions and provocations were carried out by the same category of perpetrators in the former Ground Safety Zone. 35 persons were killed, 107 wounded and 45 kidnapped in those attacks.

The terrorism has been suppressed by the joint efforts of Yugoslav military and police forces with the assistance and cooperation of the international community. These efforts provide a model to combat terrorism and an example of the use of peaceful and political means, with international support and cooperation.

* * *

The FR of Yugoslavia is ready to implement fully UNSC resolution 1373 and to abide by its international commitments vis-à-vis the fight against international terrorism. To that end, it is ready to cooperate with the United Nations and other international organizations, both at regional and bilateral levels.

To achieve these goals, the FR of Yugoslavia needs and would greatly appreciate appropriate international expert and technical assistance and is prepared to share legislative, legal and administrative experiences in the fight against international terrorism.



Security Council

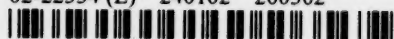
Distr.: General
31 December 2001
English
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Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Cape Verde, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

[Original: English]

Note verbale dated 27 December 2001 from the Minister for Foreign Affairs of the Republic of Cape Verde addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Ministry of Foreign Affairs presents its compliments to the Secretariat of the Organization of the United Nations, secretariat of the Counter-Terrorism Committee, and has the honour to transmit herewith the report of the Government of the Republic of Cape Verde pursuant to operative paragraph 6 of resolution 1373 (2001) of the Security Council of the United Nations (see enclosure).

The Ministry of Foreign Affairs, Cooperation and Communities avails itself of this opportunity to express to the United Nations secretariat of the Counter-Terrorism Committee the assurances of its highest consideration.

Enclosure

Report of the Government of the Republic of Cape Verde pursuant to operative paragraph 6 of resolution 1373 (2001) of the Security Council of the United Nations

Introduction

The Government of Cape Verde condemned in the strongest terms the perpetration of the terrorist attacks committed against the United States on September 11. The leaders of all political parties expressed similar positions. In many places of the country ordinary citizens gathered or organized demonstrations against these barbaric acts. Two days of national mourning were declared.

In view of the events, the Capeverdean authorities implemented immediate measures intended to raise the level of security, namely in and around international airports. Police personnel were increased and the schemes of control of movements of passengers and baggage were tied. At the same time the Head of the government, Mr José Maria Pereira Neves, announced that a new special detachment would be created to deal with airport security as well as a service of information and security.

On the other hand the government has declared its readiness to co-operate with the international efforts aimed at combating terrorism.

The Government is also studying closely the resolution 1373 (2001) and is preparing to take the necessary steps to implement it.

In this context, a national committee headed by the Minister for Foreign Affairs, Cooperation and Communities and integrated by representatives of all pertinent sectors such as police, justice, defence, civil protection, health, finance, banking, civil aviation, telecommunication, transportation, public administration and insurance has been created by the Government. This committee will serve as a dynamic and proactive catalytic interface between the United Nations and all other interested party and Capeverdean involved operational and or executive organisms with a view to ensure steadfast implementation by the country of the provisions of Security Council 1373 (2001) Resolution.

Cape Verde is party to some international conventions and protocols to combat terrorism and is taking the necessary steps to become a party to the remainder in the near future in accordance with the procedures established by its national law.

Cape Verde is of the view that either those responsible for the 10/11 terrorist attacks or any other person, who committed, participated or were accomplice in any terrorist act or in any other related act must be brought to justice and all States should co-operate to this end. However, caution should be used to ensure that no more innocent people be added to the already too the long list of victims of those crimes and serve as further excuse for committing new acts of terror.

Cape Verde is convinced that from now on terrorism must have a strong and resolute combat through appropriate responses and preventive measures designed to stop criminal violence vested with political or religious motivations. No country is safe from such attacks or from the use of its territory for the practice of such terrorist actions. Therefore, any strategy aimed at eliminating once and for all this dangerous threat to international peace and security must be a common strategy with the participation of a large number of the members of the international community and in which the United Nations should have a decisive role.

Cape Verde recognizes also that besides prosecuting and punishing the perpetrators of terrorist acts, it is necessary to deprive them from their breeding grounds. A successful campaign to eradicate terrorism has to address the long-term

challenges that were so eloquently enumerated in the Millennium Declaration. As long as political, economic and social injustices are allowed to prevail there will always be people trying to exploit them for their narrow political agendas or criminal purposes. As long as the international community lacks the capacity to put an end to conflicts and address their real causes, there will be no shortage of recruits for all sorts of desperate acts.

While adopting the necessary measures to eliminate the threat posed by the activities of terrorist groups, their master minds and supporters, it is important to ensure that the already scarce resources intended to promote economic and social development of developing countries are not diverted. Instead, the developed countries should make a stronger commitment to help put an end to poverty, deprivation and marginalization, particularly in the Least Developed Countries.

This commitment should start now, by helping developing countries face the additional burden brought by their own effort to participate in the international campaign against international terrorism. By redirecting a share of their already scarce resources to increase the level of security, they are led to reduce their capacity in addressing the huge challenges of providing for the basic needs of their impoverished populations.

In one word, the United Nations should play a decisive role in this co-operation by adopting effective measures and reinforcing the legal framework aimed at combating terrorism.

Cape Verde urges an early adoption of the General Convention against Terrorism despite some difficulties, namely in what concerns the definition of terrorism. For this purpose Cape Verde supports the Non Aligned Movement's proposal to convene under the auspices of the United Nations a high-level conference to unite the international efforts and adopt a co-ordinated response to suppress and eliminate terrorism.

Paragraph 1

(a) Cape Verde has already legislation (Law nr. 78/IV/93, of 12 of July) against money laundering related to unlawful traffic of drugs and other goods and products acquired through other grave crimes as provided for in article 2, paragraph 1 of this law.

However, taking into account, among others, the need:

- (i) to enlarge the object of the crime of money laundering,
- (ii) to limit the scope of the duty of banking secret,
- (iii) to establish governing rules for the functioning of banking entities with a view to prevent money laundering,
- (iv) to consecrate the obligation of banking entities to gather information about the real identity of the beneficiaries of banking or financial operations, while performing their activities,
- (v) to make it obligatory that all international transfers of currency, exchange value or bond exceeding one million Capeverdean escudos be made through banking or financial institutions duly authorized to make such transfers,
- (vi) to establish the obligation of declaring in the entry point of the national territory of an amount of national or foreign currency equivalent to one million Capeverdean escudos,

(vii) to grant control and regulatory powers to the authorities in charge of the supervision and regulation of the financial and banking systems necessary to enable them to establish the administrative regulations and to monitor the compliance with legislation and norms designed to prevent money laundering,

(viii) to put in place criminal procedural norms allowing the competent national judicial authorities to cooperate efficaciously with INTERPOL and with foreign authorities competent to investigate and punish money laundering offences, and

(ix) to establish necessary preventive legal measures aimed at guaranteeing the execution of judicial decisions, namely foreign judicial decisions, determining the lost or apprehension of assets, products or capitals, even when the facts related to money laundering have been committed abroad, provided that assets, products and capitals related to this money laundering offence are in Cape Verde.

The Government has asked for legislative authorization and obtained approval from the Parliament through the Law 129/V/2001, of January 22.

Nevertheless, the end of the previous legislature brought to its end the said authorization. For this reason, the draft Legislative Decree prepared on the basis of that authorization could not be approved. The new Government, after having reviewed it is on the verge of taking early action in 2002 either by asking for a new legislative authorization either by submitting a proposal of Law for approval of the Parliament. The national committee created with a view to facilitate the implementation of Resolution 1373 (2001) has already decided to include this matter as one that will be inscribed in its plan of action for 2002.

(b) What was said in (a) applies to this sub-paragraph.

(c) What was said in (a) applies to this sub-paragraph. However the Capeverdean authorities have no knowledge whatsoever of such kind of activities being taking place in Cape Verde so far. For this reason no action has been taken in this field up to this moment.

(d) What was said in (a) and (c) applies to this sub-paragraph.

Paragraph 2

(a) Any of the activities mentioned in this sub-paragraph are contrary to the spirit and many of the principles enshrined in the Constitution namely the principles of respect for international law and human rights as well as those related to disarmament and promotion of peace, security and friendly relations among States (*Article 11 of the Constitution of the Republic of Cape Verde*).

The Criminal Code of the country was inherited from the colonial era. There is a criminal reform under preparation, which will establish modern norms capable of tackling the challenging realities faced today not only by the Capeverdean society but also by the international community as a whole.

(b) The following measures were taken with a view to prevent terrorist acts:

(i) Permanent updating of the files and data basis of the international airport "Amilcar Cabral" in Sal Island and of other entry points such as the regional airport "Francisco Mendes" in Praia, the capital of the country,

(ii) Strict control of passengers and baggage,

- (iii) Control of access and vigilance by agents and camera circuit of the sensitive areas of the airports,
- (iv) inspection or sterilization of passengers both at the moment of embarkation and disembarkation, manually and through x-rays,
- (v) continuous contacts with the appropriate American authorities to know their concerns in this field,
- (vi) the Government has made a public commitment of creating an organism that will be in charge of the information and security as well as a military unit, which will be able to be rapidly deployed in case of terrorist acts. There is work underway that is being done by the appropriate technical organisms in the designing of those entities,
- (vii) On the other hand the government has declared its readiness to co-operate with the international efforts aimed at combating terrorism.
- (c) The government plans to prepare legislation to address this matter. This issue will also be in the agenda of the national Committee created to facilitate implementation of Resolution 1373 (2001).
- (d) This matter will be solved in the framework of the reform of the criminal system whose preparation is going on. This issue will also be in the agenda of the national Committee created to facilitate the implementation of Resolution 1373 (2001).
- (e) This matter will be solved in the framework of the reform of the criminal system whose preparation is going on. This issue will also be in the agenda of the national Committee created to facilitate implementation of Resolution 1373 (2001).
- (f) No request of such kind of assistance has been made so far to the Capeverdean competent authorities by any State.
- (g) The following control procedures related to identification and travel documents directed to prevent terrorist movements are in place:
 - (i) Computerization of the process of visa issuance,
 - (ii) Installation of equipments of inspection and control of documents, such as Retro check, QDX, and Photo-phone in the most important airports,
 - (iii) Existence of a contingency plan for "Amilcar Cabral" airport,
 - (iv) The Capeverdean aeronautical authority, "Instituto da Aviação Civil (IAC)" has recently signed a memorandum of agreement with the Federal Aviation Administration (FAA) of the Department of Transportation of the United States of America under which the latter may provide technical assistance to its Capeverdean counterpart in the fields of traffic control, facility engineering, aviation safety and security and other aviation related disciplines.

Paragraph 3

- (a) The following measures were taken to accelerate, *inter alia*, exchange of operational information related to terrorism, specially regarding actions or movements of terrorists and forged or falsified travel documents:

- (i) contacts in a regular and continuous basis with the United States Embassy in Praia,
- (ii) contacts have been made with the authorities of the Federal Republic of Germany with a view of the installation of a fax machine in the Headquarters of the POP (national police) for the purpose of exchanging encoded information concerning terrorism,
- (iii) Cape Verde has ratified the land mine Convention on 2001-12-26,
- (iv) Cape Verde has signed the ECOWAS moratorium on purchases of firearms,
- (v) Cape Verde is a party to the Pelindaba treaty,
- (vi) Cape Verde has signed the Chemical Weapons Convention and the Comprehensive Nuclear Test Ban Treaty and is on the verge of ratifying them.
- (b) What was said in the previous paragraph applies to this paragraph.
- (c) Cooperation through bilateral and multilateral treaties:
 - (i) Cape Verde is eager to cooperate in this field with other countries and especially with the African countries. In this context the Government submitted already to the Parliament for approval the OAU Convention against Terrorism. In the same spirit the Head of State of Cape Verde participated in a regional conference on terrorism promoted by the President of Senegal. The Prime Minister participated in the last Summit of ECOWAS where important issues and instruments related to terrorism were discussed,
 - (ii) Cape Verde is in favour of an early adoption of a General Convention against Terrorism. For this purpose it supports the Non-Aligned Movement's proposal to convene under the auspices of the United Nations a high-level conference to unite the international efforts and adopt a co-ordinated response to suppress and eliminate terrorism,
 - (iii) Cape Verde has ratified the land mine Convention on 2001-12-26,
 - (iv) Cape Verde has signed the ECOWAS moratorium on purchases of firearms,
 - (v) Cape Verde is a party to the Pelindaba treaty,
 - (vi) Cape Verde has signed the Chemical Weapons Convention and the Comprehensive Nuclear Test Ban Treaty and is on the verge of ratifying them,
 - (vii) The Capeverdean aeronautical authority, "Instituto da Aviação Civil (IAC)" has recently signed a memorandum of agreement with the Federal Aviation Administration (FAA) of the Department of Transportation of the United States of America under which the latter may provide technical assistance to its Capeverdean counterpart aimed in the fields of traffic control, facility engineering, aviation safety and security and other aviation related disciplines.

(d) Actions taken or in course concerning the Conventions and Protocols pertaining to terrorism:

(i) On September 11, 2001 Cape Verde was already party to the following three international legal instruments:

- ❑ *Convention on Offences and Certain Other Acts Committed on Board of Aircraft, signed at Tokyo on 14 September 1963 (entered into force on 4 December 1969) (Law nr 55/III/89 of 06/13/1989)*
- ❑ *Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (entered into force on 14 October 1971) (Law nr 54/III/89 of 06/13/1989)*
- ❑ *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (entered into force on 26 January 1973) (Law nr 56/III/89 of 06/13/1989)*

(ii) On November 16, 2001, the Minister for Foreign Affairs, Cooperation and Communities of Cape Verde, Mr. Manuel Inocêncio Sousa, participated in the forum organized by the Secretary General of the United Nations and signed the *International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (opened for signature on 10 January 2000 until 31 December 2001) in New York*. This act has already been approved by the Council of Ministers. Furthermore, the Government decided, in accordance with article 178 (b) of the Constitution, to submit a proposal of resolution of approval of the said Convention to the country's legislative body, the "Assembleia Nacional", for the purpose of its approval for ratification,

(iii) The remaining nine global or regional treaties against terrorism that exist currently, which are listed below, were also submitted by the Government to the Capeverdean Parliament for approval. It is, therefore, expected that Cape Verde will be fully member of all those instruments in the course of the first quarter of 2002:

- ❑ *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (entered into force on 20 February 1977)*
- ❑ *International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (entered into force on 3 June 1983): status as at 13 June 2001*
- ❑ *Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (entered into force on 8 February 1987)*
- ❑ *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (entered into force on 6 August 1989)*
- ❑ *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (entered into force on 1 March 1992)*
- ❑ *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (entered into force on 1 March 1992)*

- ❑ *Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (entered into force on 21 June 1998)*
- ❑ *International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (opened for signature on 12 January 1998 until 31 December 1999)*
- ❑ *OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999*

2) The Aeronautical Code approved by the Legislative Decree nr 1/2001 establishes, among others, the following criminal penalties:

i) Seizure of aircraft: (*Article 297*)- imprisonment from 5 to 12 years and from 16 to 25 if the offence resulted in injury or death,

(ii) Attack against flying aircraft: (*Article 297*)- imprisonment from 2 to 8 years and from 6 to 12 if the attack provoked injury and from 16 to 25 in case of death,

(iii) Attack against the security of civil aviation: (*Article 300*)- penalties of 1 to 5 years of imprisonment. In case of injury 2 to 8 years and in case of death 4 to 12 years,

(iv) Carriage of explosives on board of aircrafts: (*Article 303*)- the person who authorized or allowed unlawfully the entry in the State territory or in its territorial waters as well as the over-flying will be punished with imprisonment from 3 to 6 month. In case of injury 1 to 4 years of imprisonment and in case of death from 4 to 8 years of imprisonment.

27 December 2001



Security Council

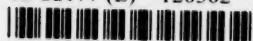
Distr.: General
31 December 2001
English
Original: French

Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Ukraine, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

[Original: English]

Letter dated 26 December 2001 from the Permanent Representative of Ukraine to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit the report of Ukraine pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and of the enclosed report circulated as a document of the Security Council.

(Signed) Valery **Kuchinsky**
Ambassador
Permanent Representative

Enclosure

[Original: Russian]

Report on the measures taken in Ukraine to implement Security Council resolution 1373 (2001)**Security Council resolution 1373 (2001)****Paragraph 1 (a)**

The Cabinet of Ministers of Ukraine has adopted a resolution in which it has instructed Ministries, other central and local organs of executive authority and the Council of Ministers of the Autonomous Republic of Crimea to ensure the strict implementation of the provisions of Security Council resolution 1373 (2001).

The Security Service of Ukraine has received no information concerning any activities in Ukraine by terrorist organizations or concerning groups or individuals participating in the financing of terrorist acts.

The legislation in force in Ukraine provides for the seizure of funds and other economic resources in the event that it is established that they have been obtained or used illegally.

On 15 November 2001, the Verkhovna Rada of Ukraine adopted in first reading the Act "on measures to prevent and counteract the legalization (laundering) of the proceeds from crime".

A bill is in the process of being drafted "on combating terrorism". This bill sets out the legal and organizational bases for combating terrorism, defines the structure, functions and authority of the competent organs in that area, and contains a provision to the effect that the granting of material support to a terrorist organization is one form of terrorist activity. This bill also provides for the confiscation of the property of an organization which, in a manner determined by law, is deemed to be participating in a terrorist activity.

The freezing of funds and other financial assets of individuals and bodies corporate held in banks and other financial institutions, and the seizure, retention and conversion of funds, including foreign currencies, securities and other property, are carried out in Ukraine in accordance with the procedures and conditions set out in the provisions of the Acts "on banks and banking activities" and "on efficient production" and other Ukrainian laws and regulations.

The Security Service of Ukraine has drafted a bill "on revisions to certain legislative instruments of Ukraine to reinforce efforts to combat terrorism". This bill includes, inter alia, a provision concerning questions relating to the prevention and suppression of the financing of terrorist acts.

The State Tax Administration of Ukraine has made an analysis of the export-import operations of those involved in entrepreneurial activities to determine their possible connections to the financial structures of al-Qa'idah. The results of the analysis did not reveal any of those included in the lists of the Security Council Committee.

The Cabinet of Ministers of Ukraine has established an interdepartmental working group to study methods and trends in the laundering of money and other income received as the proceeds from crime. The working group is headed by the First Vice-Chairman of the State Tax Administration of Ukraine.

Paragraph 1 (b)

The wilful provision or collection of funds for terrorist formations is criminalized under article 258 of the Criminal Code of Ukraine. According to the fourth part of article 258 of the Criminal Code, the creation of a terrorist group or terrorist organization, the leadership of such a group or organization or participation in its activities, or the provision of material, organizational or other support for the creation or activities of a terrorist group or terrorist organization is punishable by imprisonment for a term of from 8 to 15 years.

The theft, misappropriation and extortion of firearms (other than a smooth-bore hunting weapon), ammunition, explosive substances, explosive devices or radioactive materials, and the acquisition thereof by fraud are criminalized under article 262 of the Criminal Code of Ukraine. Such acts are punishable by imprisonment for a term of from three to seven years.

The carrying, storage, acquisition, manufacture, repair, transfer or sale of firearms (other than a small-bore hunting weapon), ammunition, explosive substances or explosive devices without legal authorization are criminalized under article 263 of the Criminal Code of Ukraine. Such acts are punishable by imprisonment for a term of from two to five years.

Paragraph 1 (c)

By a resolution of the Cabinet of Ministers of Ukraine, the central and local organs of executive authority and the Council of Ministers of the Autonomous Republic of Crimea have been instructed to take immediate measures to seize funds and other financial assets of Osama bin Laden and of individuals and enterprises connected with him and to freeze the financial assets or economic resources of persons who commit, or attempt to commit, a terrorist act. No such persons have been identified in Ukraine.

The following laws and regulations governing the freezing of accounts or assets held in banks and financial institutions are in force in Ukraine:

1. *The Code of Criminal Procedure of Ukraine*. Article 126 sets out the system for the protection of civil suits and the possible confiscation of property. For the purpose of protecting civil suits and the possible confiscation of property, the deposits, valuables and other property of a person who has been accused or who is under suspicion or of persons who bear material responsibility under the law for their actions may be seized, wherever those deposits, valuables or other property may be located, and the property frozen may also be confiscated.

2. *Act "on the procedure for cancelling the liability of taxpayers with respect to budgetary and State funds earmarked for special purposes"*. Article 9 of this Act defines the concept of the administrative freezing of the assets of a taxpayer (including funds in accounts held in banking institutions), its forms and essence, the system for its application and for appeals, and specifies those who are to carry out the decision on administrative freezing and their rights and obligations.

3. *Act "on revisions to the Act 'on the State Tax Service of Ukraine'"*.

Article 11, paragraph 5, of this Act includes among the powers of the State Tax Service of Ukraine the right to suspend the transactions of taxpayers, other payments to accounts in banking institutions and other financial and credit institutions, with the exception of tax-paying transactions, and other payments in the following cases: in the event of a refusal to provide documentary verification or to allow officials or organs of the State Tax Service to inspect premises being used for the receipt of income or connected with the maintenance of other taxable objects, wherever they might be, equipment, electronic cash registers or computer systems used for cash transactions with consumers, weigh stations, and bar-coding systems and devices; in the event of a failure to allow the organs and officials of the State Tax Service access to their bookkeeping accounts, balance sheets, tax returns (estimates), currency declarations, reports on the use of electronic cash registers, computer systems and other documents connected with the calculation and payment of taxes and other payments; in the event of a failure to provide evidence of State registration of subjects of entrepreneurial activity and of special permissions (licences, patents and so on) for such an activity, certificates of conformity relating to electronic cash registers and computer systems; in the event of the violation by an enterprise, institution, organization or national engaged in entrepreneurial activity of the procedure established by law for registration with an organ of the State Tax Service as a taxpayer or the absence of records relating to the taxable objects, or when there is a real threat of the embezzlement of funds or the alienation of property, the confiscation of which, in a manner determined by law, is the sole means of compensating for losses borne by the State in connection with the inability of a legal person to pay taxes.

See also information under paragraph 2 (f)

Paragraph 1 (d)

Article 258 (Terrorist act) of the Penal Code of Ukraine establishes criminal liability for "... material, organizational or other assistance for the formation or activities of a terrorist group or organization". The penalty for such actions is a term of imprisonment of between 8 and 15 years.

Paragraph 2 (a)

The Security Service of Ukraine has received no information on the utilization of Ukrainian territory for the provision of weapons to terrorists.

The movement across the State frontier of Ukraine of weapons, ammunition, military or specialized technology, radioactive and other dangerous substances, and the admission of such items across the State frontier are controlled by the frontier forces together with the customs bodies on the basis of the authorization of the State Export Control Service. The said matters are regulated by the Act "on the Ukrainian State frontier" of 1991, the Act "on the use of nuclear power and radiation safety" of 1995 and the Act "on the handling of radioactive waste" of 1995.

The Ministry of Defence of Ukraine systematically monitors the channels for the provision of explosives, weapons, ammunition, radioactive materials (that are capable of being used for the production of weapons of mass destruction), and of the means for waging chemical or biological warfare. A databank concerning the

activities of organizations and individuals connected with or suspected of committing terrorist acts has been set up and is constantly updated.

Article 447 (Mercenarism) of the Penal Code establishes criminal liability in Ukraine for the recruitment, financing, provisioning or training of mercenaries to be used in armed conflicts in the territory of other States or to carry out acts of violence intended to overthrow the State order, or to impair a State's territorial integrity, as well as the utilization of mercenaries in armed conflicts.

In order to eliminate channels for the carriage across Ukrainian territory of terrorist devices, the Ministry of the Interior of Ukraine participates in carrying out the measures provided for in the Coordinated Action Plan of the Ministry of the Interior, the Ministry of Defence, the Security Service, the State Committee for the Protection of the State Border and the State Customs Service of Ukraine to Strengthen Measures to Prevent Illegal Migration and to Prohibit the Carriage across the State Frontier of Terrorist Devices, which has been approved by the Prime Minister of Ukraine.

The overall system for control of the carriage of weapons, explosives or dual-use materials across the customs frontier of Ukraine was established by decree No. 117 of the President of Ukraine of 13 February 1998, in accordance with which customs clearance and admission across the customs frontier of Ukraine takes place exclusively on the basis of an authorization (opinion) of the State Export Control Service of Ukraine (Goseksportkontrol).

The system for the control of designated categories of goods subject to export control operates in accordance with Cabinet of Ministers of Ukraine decision No. 563 of 27 July 1995 adopting the Regulations on the system for the State control of international transfer of goods used, or capable of being used, for the production of missile weapons; decision No. 302 of 12 March 1996 adopting the Regulations on the system for the control of the export, import and transit of goods relating to nuclear activity and capable of being used for the production of nuclear weapons; decision No. 384 of 22 April 1997 adopting the Regulations on the system for control of the export, import and transit of goods capable of being used for the production of chemical, bacteriological (biological) and toxin weapons; decision No. 1005 of 18 August 1996 on the system for control of the export, import and transit of particular types of goods, equipment, materials, software and technologies capable of being used for the production of armaments or of military or special-purpose equipment; and decision No. 1358 of 8 December 1997 adopting the Regulations on the system of State control over the international transfer of goods to be used for military purposes.

International transfers of weapons in Ukraine are made in accordance with the Regulations on the system of State control over the international transfer of goods to be used for military purposes, approved by Cabinet of Ministers of Ukraine decision No. 1358 of 8 December 1997. Under the Regulations, the export of goods to be used for military purposes is carried out, on authorization by Goseksportkontrol, by entrepreneurs duly authorized for that purpose. In order to obtain authorization for the international transfer of the said goods, exporters must submit to Goseksportkontrol the originals of the documents whereby the State body authorized for that purpose of the State of destination of the goods guarantees the end-use of the goods and confirms the commitment not to re-export those goods (commitments

concerning the utilization of the goods for their purpose must be made by all intermediaries involved in deliveries of goods).

In addition, Cabinet of Ministers of Ukraine decision No. 244 of 14 March 2001 recommends that foreign trade agreements should include information on the commitments made by the foreign economic entity to issue an end-user certificate, an import certificate or other document containing guarantees by the State body authorized for that purpose of the State of destination of the goods concerning their end use, and also a certificate confirming the delivery of the goods or another document drawn up by the authorized State body of the State of destination of the goods confirming the import of the goods or of each consignment of the goods to the territory of that State.

See also information under paragraph 1 (b).

Paragraph 2 (b)

The Ukrainian Security Service takes steps to prevent terrorist acts, including those against the diplomatic missions of the United States of America, Israel and other countries in Ukraine.

In the framework of measures to combat organized crime, the Ukrainian Security Service, in cooperation with the organs of the Ministry of the Interior confiscated about 400 firearms, 101 kilograms of explosives, 65 grenades, 13,900 rounds of ammunition and 9.5 kilograms of radioactive substances.

Ukrainian law enforcement bodies cooperate under the provisions of 160 international agreements and protocols with over 40 countries on combating crime (including terrorism) and on other matters connected with the activity of law enforcement bodies. The said international legal instruments provide for an appropriate exchange of information on operational and service-related matters and the provision of legal assistance in criminal matters. In addition, in order to improve the exchange of information with the law enforcement bodies of foreign States, the Ministry of the Interior of Ukraine regularly organizes multilateral and bilateral international working meetings.

The most recent such meeting, held in the city of Lvov from 28 to 30 November 2001, was attended by delegations from the Ministries of Internal Affairs of Armenia, Azerbaijan, the Czech Republic, Belarus, Georgia, Germany, Hungary, Kazakhstan, Moldova, Poland, Romania, the Russian Federation, Slovakia, Turkey and Uzbekistan, and by representatives of the Federal Bureau of Investigation of the United States of America. There was discussion during the working meetings of problem-related issues arising in the fight against transnational crime, international terrorism and organized forms of illegal migration, and means of addressing those issues were defined.

In order to prevent the access of terrorist groups to weapons, ammunition, explosives and radioactive substances, the Ministry of Defence of Ukraine has been taking a number of practical priority measures, namely:

- The arrangements for notifying and calling up forces and equipment from the structural subdivisions of the Security Service and the Ministry of the Interior

- of Ukraine which are assigned to the suppression by force of terrorist acts against military targets have been checked;
- Checks have been made on sites for the safekeeping of weapons, ammunition, explosives and radioactive substances, and they have been brought into conformity with the requirements of the guidelines;
 - Measures have been taken to upgrade sites for the safekeeping of firearms and ammunition and to reduce the number of such sites;
 - Work is being done on improving the equipment on the grounds of protected facilities and posts and to bring it into compliance with the requirements of the normative and legal instruments;
 - The state of readiness of the units responsible for dealing with the consequences of potential accidents and of radiological, chemical and bacteriological monitoring and reconnaissance groups has been checked;
 - Cooperation has been arranged with other ministries and Government executive bodies on the exchange of operational information concerning the radiological, chemical and bacteriological status of the regions of Ukraine.

Paragraph 2 (c)

The possibility of providing safe haven in Ukraine to foreigners and stateless persons is envisaged by article 26 of the Constitution of Ukraine and by article 4 of the Ukrainian Act "on the legal status of aliens" of 4 February 1994. Under article 106, paragraph 26, of the Constitution, a decision to provide safe haven in Ukraine is taken by the President of Ukraine.

The frontier troops may refuse to provide safe haven and effect expulsions from Ukrainian territory on the basis of, and in accordance with, the provisions of articles 25 and 32 of the Ukrainian Act "on the legal status of aliens" on 4 February 1994 and of the Ukrainian Act "on organizational and legal principles for combating organized crime" of 30 June 1993.

Under the provisions of article 10 of the Ukrainian Act "on refugees", the status of refugee is not accorded to any person:

"Who has committed a crime against the peace, a military crime or a crime against mankind and humaneness, as defined in international law;

Who has committed a grave crime of a non-political nature beyond the frontiers of Ukraine prior to arriving in Ukraine with the aim of gaining refugee status, if the action is established in the Penal Code of Ukraine as a grave crime;

Who is guilty of actions contrary to the purposes and principles of the United Nations."

The legal basis and the procedure for expulsion from Ukraine as an administrative and coercive measure are specified by article 24, paragraph 3, of the Ukrainian Code on Administrative Offences, by article 32 of the Ukrainian Act "on the legal status of aliens" and also by the Rules for the Entry of Aliens into Ukraine, their Departure from Ukraine and their Transit through its Territory (approved by Cabinet of Ministers of Ukraine decision No. 1074 of 29 December 1999).

On the order of the President of Ukraine, so as not to permit entry into the territory of the State by persons involved in terrorist activity under the guise of education, medical treatment or of official or private purposes, the competent bodies of Ukraine are devising a single standard form of invitation for the entry of aliens into Ukraine and a mechanism for the timely agreement with the internal affairs bodies of a procedure for issuing such invitations.

The Ministry of the Interior Affairs of Ukraine is also developing a databank for the documentation and recording (including documentation using automated fingerprint data) of persons who are detained for illegally crossing the State frontier and/or for staying illegally in the territory of Ukraine. This will make it possible to identify persons involved in the planning, furtherance and commission of terrorist acts through verification of the corresponding records by the law enforcement bodies of foreign States and the international police organizations.

The Ministry of the Interior has proposed that the draft Ukrainian act "on arrangements for providing asylum in Ukraine to aliens and stateless persons" (which is currently under consideration by the Verkhovna Rada (Parliament) of Ukraine) should provide for the introduction of restrictions on the provision of asylum and the issuance of the corresponding documents to persons suspected of being involved in the activities of terrorist and extremist organizations, and also that the provisions of article 10 (conditions under which the status of refugee is not accorded) of the Ukrainian Act "on refugees" should be specified in detail.

Paragraph 2 (d)

Article 258 (A terrorist act) of the Penal Code, establishes criminal liability for the commission of a terrorist act, in other words, the use of weapons, the causing of an explosion, arson or other acts endangering the life or health of people or causing substantive damage to property or other serious consequences, if such actions were committed for the purpose of impairing public safety, intimidating the population, provoking a military conflict or international complications, or for the purpose of influencing the taking of decisions, or of exerting influence over whether action is taken or not taken by State or local self-government bodies, by officials of those bodies, by citizens' associations, by legal persons, or of drawing the attention of the public to certain political, religious or other views of a guilty party (terrorist), and also of threatening the commission of such acts for the same purpose, for which the penalty is a term of imprisonment of between 5 and 10 years.

In addition, the Ukrainian draft act "on combating terrorism" provides for the prohibition of the activity in Ukraine and the disbandment of an international organization (or a division, branch or representative office thereof) in cases where such an organization is established under existing legislation as a terrorist organization.

Paragraph 2 (e)

Responsibility for a terrorist act is covered by article 258 of the Ukrainian Penal Code. The penalty for a terrorist act (see the interpretation of this concept in the preceding paragraph) is a term of imprisonment of between 5 and 10 years.

The penalty for the same actions committed repeatedly or by prior agreement among a group of persons, or if such actions result in substantial damage to property

or in other serious consequences, is a term of imprisonment of between 7 and 12 years.

The penalty for the actions established in parts 1 and 2 of that article, if they result in the loss of human life, is a term of imprisonment of between 10 and 15 years, or life imprisonment.

The penalty for the creation of a terrorist group or of a terrorist organization, the leadership of such a group or organization or participation in it, as well as material, organizational or other support for the creation or activity of a terrorist group or a terrorist organization is a term of imprisonment of between 8 and 15 years.

A person, other than an organizer or leader, shall be exempted from criminal liability for an action provided for under paragraph 4 of that article if such person voluntarily reports such action to a law enforcement body and assists in terminating the existence or activity of a terrorist group or organization or in the exposure of crimes committed in connection with the creation or activity of such a group or organization, if such person's actions do not include elements of another crime.

The Ukrainian Penal Code also provides for other standards whereby the criminal liability of a person involved in a terrorist act may be established (article 255, "Creation of a criminal organization"; article 256, "Assisting participants in criminal organizations and disclosure of their criminal activity"; article 260, "Creation of militarized or armed groupings not envisaged by the law"; and article 209, "Legalization (laundering) of financial resources or other property acquired by criminal means").

Material, organizational or other support for the creation or activities of a terrorist group or terrorist organization is punishable in accordance with article 258, paragraph 4, of the Criminal Code of Ukraine.

Thus, in accordance with article 12, paragraphs 4 and 5, of the Criminal Code of Ukraine, the offence specified in the first paragraph of article 258 of the Criminal Code is a grave offence; the offences specified in the second, third and fourth paragraphs of that article are in the category of especially grave offences.

The Security Service of Ukraine has drafted a bill "on revisions to certain legislative instruments of Ukraine concerning combating terrorism", which is being coordinated by the competent ministries.

The Anti-Terrorist Centre of the Security Service of Ukraine has drafted a bill "On combating terrorism", which is currently being coordinated by the competent ministries and departments.

Paragraph 2 (f)

Following a request from the special services of the United States of America, the Security Service of Ukraine took measures to identify any bank accounts which might belong to organizations or individuals participating in terrorist activities. Two bank accounts were identified as belonging to specific people mentioned in the request. It was established that no transactions involving those accounts had taken place during the period 2000-2001.

Paragraph 2 (g)

Action to prevent the movement of terrorists across the State border of Ukraine is taken by the border troops of Ukraine, in accordance with the Acts "on the State border of Ukraine" of 4 November 1991 and "on the border troops of Ukraine" of 4 November 1991 and other legislative instruments, and by the Ministry of the Interior and the Security Service of Ukraine.

During 2001, the State border guard organs identified at border crossing points 43 aliens who had been forbidden entry into Ukraine by the competent organs of Ukraine. Of these, 34 individuals were refused the right to enter Ukraine in the interests of ensuring the security of the State, including seven aliens who were refused on account of their participation in the activities of terrorist organizations.

The rules and procedures for the issuance of visas for entry into Ukraine and transit through its territory to aliens and stateless individuals are set out in the decision of the Cabinet of Ministers of Ukraine "on the introduction of a new system for the issuance of visas for entry into Ukraine".

Visas are issued to foreign nationals who intend to take up employment in Ukraine only when they are in possession of an employment permit, unless otherwise provided for in international treaties to which Ukraine has acceded.

Forged travel documents and invalid identity papers are detected by visual and technical means.

The Ministry of Transport of Ukraine has drawn up a State civil aviation security programme.

The programme provides for the possibility of carrying out a second control with a view to ensuring the safety of passengers, baggage and cargo on the arrival of an aircraft at an airport in Ukraine if information is received that there are dangerous substances, materials or articles on board.

With a view to strengthening security and preventing acts of terrorism or other acts of unlawful interference in the activities of Ukraine's road transport sector, the Ministry of Transport issued Order No. 771 of 9 November 2001 "on strengthening security in the road transport sector".

Paragraph 3 (a)

The exchange of information between the Security Service of Ukraine and other States on questions relating to the prevention of terrorism is based on the provisions of the following:

- European Convention on Mutual Assistance in Criminal Matters, of 1959;
- European Convention on the Transfer of Proceedings in Criminal Matters, of 1972;
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, of 1990;
- European Convention on Extradition, of 1957;
- International Convention against the Taking of Hostages, of 1979;

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1988;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, of 1988;
- Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, concluded in the Commonwealth of Independent States in 1993;
- Agreement on the formation and functioning of a combined databank of the security organs and special services of States members of the Commonwealth of Independent States to combat organized crime, of 1997;
- Agreement on cooperation between the Security Service of Ukraine and the Foreign Intelligence Service of the Russian Federation, of 1993;
- Agreement on cooperation between the Security Service of Ukraine and the Security Service (Shabak) of the State of Israel, of 2000;
- Agreement on cooperation between the Security Service of Ukraine and the Department of Defence of the Republic of Poland, of 1993;
- Protocol on cooperation between the Security Service of Ukraine and the National Intelligence Organization of the Republic of Turkey, of 2001;
- Protocol on cooperation between the Security Service of Ukraine and the Directorate for Surveillance of the territory (Directoire de la Surveillance du territoire (DST)) of France, of 2000;
- Memorandum on cooperation between the Security Service of Ukraine and the Secret Intelligence Service of the United Kingdom of Great Britain and Northern Ireland, of 1999.

These agreements provide for a continuous exchange of information, including information of a pre-emptive character, concerning terrorist and extremist organizations and groups, the forms and methods of their activities, their intentions, targets and aspirations, and specific individuals involved in terrorist activities.

The procedure for cooperation on the State border between ministries and departments is set out in the basic legal document entitled Instructions on cooperation and the allocation of functions for the control of the State border. The Instructions establish the basic forms of cooperation on the Ukrainian border between the State Committee on the Protection of the State Border, the State Customs Committee, the Ministry of the Interior, the Ministry of Health, the Ministry of Agriculture and Food and the Ministry of Environmental Protection. One form that this cooperation takes is an operational exchange of information on joint activities on the border while maintaining the confidentiality of the information transmitted.

A decision of the Cabinet of Ministers of Ukraine confirmed the system for the coordination of the activities of the organs of executive authority and the organs of local self-government on questions relating to compliance with regulations on the State border, which in fact established the allocation of functions on the border defined in the above-mentioned Instructions and outlined the system for the exchange of operational information.

Customs control of the movement of weapons and dual-purpose explosive substances and materials, including the exchange of operational information, is carried out in accordance with the order of the State Customs Service of Ukraine and the instructions on the system for the issuance of permits and decisions on the right to export, import or move in transit goods which, according to the law, are subject to the export controls approved by an order of the State Export Control Service of Ukraine.

One of the main forms of cooperation between the customs and law enforcement organs is also the exchange of information on questions relating to crime prevention through special operations. During the planning and carrying out of each special joint operation (operational activities), an operational exchange of information is required.

Moreover, the system for the exchange of operational information is also laid down in interdepartmental joint orders, instructions and plans (the order of the Ministry of the Interior and the State Customs Committee of Ukraine "on the organization of cooperation in implementation of the Act 'on the organizational and legal bases of the fight against organized crime' and of the order of the President of Ukraine 'on urgent measures to strengthen crime prevention'"; the order of the Security Service and the State Customs Committee of Ukraine "on cooperation between the organs of the Security Service and the State Customs Committee of Ukraine in implementation of the order of the President 'on urgent measures to strengthen crime prevention', the order of the State Committee on the Protection of the State Border and the State Customs Service of Ukraine 'on confirmation of the Instructions on the system for cooperation between subdivisions of the State Committee on the Protection of the State Border and subdivisions of the customs guard of the State Customs Committee of Ukraine'").

The State Committee on the Protection of the State Border signed Guidelines for cooperation between the operational and investigative organs of the border troops of Ukraine and the operational organs of neighbouring countries, under which the treaty countries exchange operational information, including information in the areas referred to in paragraph 3 (a) of the resolution. The exchange of such information is also provided for in international treaties to which Ukraine has acceded on questions relating to crime prevention (for example, the Agreement on cooperation in combating the unlawful circulation of narcotics and organized crime, of 1 September 1992, and the Agreement between the Government of Ukraine and the Government of the Federal Republic of Germany on cooperation in combating organized crime, terrorism and other such crimes, of 6 February 1995).

A "plan on joint activities of the Ministry of the Interior, the Ministry of Defence, the Security Service, the State Committee on the Protection of the State Border and the State Customs Committee of Ukraine concerning the strengthening of action to combat illegal migration and to prevent the movement of terrorist resources across the State border" was drawn up and agreed. It entered into effect on 4 November 2001.

A "plan of special measures of the State Committee on the Protection of the State Border designed to implement the requests of the President of Ukraine for strengthening the fight against terrorist activities" of 11 October 2001 was drawn up.

Paragraph 3 (b)

After the terrorist attacks of 11 September 2001 in the United States of America, representatives of the special services of the Russian Federation, the United States of America, the United Kingdom, Germany, the Czech Republic, Uzbekistan and other countries were given over 60 pieces of informational material on the activities of international terrorist and religious extremist organizations and their members.

During 2001, approximately 3,500 aliens involved in terrorist activities were denied entry into Ukraine.

Paragraph 3 (c)

With a view to deepening international cooperation on questions relating to combating terrorism, Ukraine signed, within the CIS framework, a decision on the establishment and activities of the Anti-Terrorist Centre of the States members of the Commonwealth of Independent States. On 4 October 2001, the Act "on the ratification of the decision on the establishment and activities of the Anti-Terrorist Centre of the States members of the Commonwealth of Independent States" was adopted by the Verkhovna Rada of Ukraine and entered into force.

With a view to the prevention and suppression of terrorism in accordance with the Orders of the President of Ukraine "on the Anti-Terrorist Centre" and "on the regulations of the Anti-Terrorist Centre and its coordination groups in the regional organs of the Security Service of Ukraine", the Anti-Terrorist Centre of the Security Service of Ukraine was established and it functions as an integral part of the current State counter-terrorism system.

By the Order of the President of Ukraine "on the procedure for cooperation with international anti-terrorist organizations", the Centre, together with the Ministry of Foreign Affairs of Ukraine, was also given the task of ensuring coordination in the implementation by the organs of executive authority of Ukraine's obligations with regard to combating international terrorism.

The effectiveness of the organizational component of the activities of the Anti-Terrorist Centre is ensured through the conduct of command-staff (at various levels) and practical special tactical exercises at technogenically dangerous and other facilities vulnerable to terrorist attacks previously studied and categorized according to their vulnerability. In 2001 alone, approximately 40 such exercises were carried out on a planned basis with the mobilization of the forces and resources of various departments required for those purposes, including exercises involving all four operational atomic power stations.

Working contacts with the special services of other countries were activated on questions relating to the exchange of information concerning investigations into the series of terrorist acts in the United States of America and the carrying out of anti-terrorist operations in Afghanistan.

With the participation of representatives of the Security Service of Ukraine, checks were carried out into the status of the maintenance and protection of locations of chemical and biological substances which might be used for terrorist means.

Subparagraph 3 (d)

Ukraine is a party to the following international legal instruments relating to the fight against terrorism:

<i>Name of international agreement</i>	<i>Participation by Ukraine</i>	<i>Entry into force in Ukraine</i>
Convention on Offences and Certain Other Acts Committed on Board Aircraft, 14 September 1963	Date of accession: 21 December 1987	29 May 1988
Convention for the Suppression of Unlawful Seizure of Aircraft, 16 December 1970	Ratified on 27 December 1971	23 March 1972
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 23 September 1971	Ratified on 16 January 1973	29 March 1973
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973	Date of accession: 20 January 1976	20 February 1977
International Convention against the Taking of Hostages, 18 December 1979	Date of accession: 19 June 1987	19 July 1987
Convention on the Physical Protection of Nuclear Material, 3 March 1980	Ratified on 4 May 1993	5 August 1993
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 24 February 1988	Ratified on 14 March 1989	14 April 1989
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 10 March 1988	Ratified on 21 April 1994	20 July 1994
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 10 March 1988	Ratified on 21 April 1994	20 July 1994
Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1 March 1991	Ratified on 3 December 1997	3 December 1997
International Convention for the Suppression of Terrorist Bombings, 16 December 1997	Ratified on 29 November 2001	
Agreement on Cooperation among CIS Member States in the Fight against Crime	Ratified on 14 September 1999	14 September 1999
Agreement between the Governments of member States of the Organization of the Black Sea Economic Cooperation on cooperation in combating crime	Signed on 2 October 1998	

Ukraine is preparing to ratify the European Convention on the Suppression of Terrorism of 1977 (signed on 6 June 2000) and the International Convention for the Suppression of the Financing of Terrorism (signed on 8 June 2000).

Ukraine is also a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and the Convention on the Prohibition of the Development, Production

and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

The Cabinet of Ministers of Ukraine, conscious that the non-proliferation of chemical and biological weapons is a pressing issue, has approved the "Regulations on the procedure for controlling the export, import and transit of goods which could be used to produce chemical, bacteriological (biological) and toxin weapons". The "Programme for the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction for the period 1999-2008" has been approved by a decree of the President of Ukraine.

Subparagraph 3 (e)

Ukraine is implementing the relevant international conventions and protocols concerning terrorism and United Nations Security Council resolutions 1269 (1999) and 1368 (2001) and is taking steps to increase cooperation in this area.

See also the information under subparagraphs 2 (f) and 3 (b).

Subparagraph 3 (f)

The procedure for the granting, loss or deprivation of refugee status in Ukraine is governed by the Act of Ukraine "on refugees" of 21 June 2001. Pursuant to article 8, paragraphs 2 and 3, of the Act, the Security Service and the Ministry of the Interior of Ukraine have the powers set out below:

"The Security Service of Ukraine and its regional bodies, when requested to do so by the migration service, shall take steps, within the limits of their authority, to determine, among those persons who have submitted an application for refugee status and regarding whom decisions have been taken to prepare documents in order to decide whether to grant them refugee status, which persons shall not be granted refugee status under article 10, paragraphs 2, 3 and 4, of this Act.

The Ministry of the Interior of Ukraine and its regional bodies, when requested to do so by the migration service, shall take steps, within the limits of their authority, to determine, among those persons who have submitted an application for refugee status, with regard to the decision on preparing documents in order to decide whether to grant them refugee status, which persons shall not be granted refugee status under article 10, paragraphs 2, 3 and 4, of this Act, and to establish the identity of those who have submitted a petition for the granting of refugee status. If a person who has illegally crossed the State border and is in Ukrainian territory with the intention of obtaining refugee status contacts an Interior Ministry body, that body shall take the application for refugee status and transmit it to the migration service. If a person who is in Ukraine legally and intends to obtain refugee status contacts an Interior Ministry body, the body shall explain to that person the procedure for submitting an application for the granting of refugee status and shall inform him or her where the migration service offices are located."

Pursuant to article 10 of the Act, refugee status shall not be granted to persons who:

- Have committed an offence against peace, a war crime or a crime against humanity, as defined in international law;

- Have committed a serious crime of a non-political character outside Ukraine prior to arrival in the country with the aim of obtaining refugee status, if such an act is classified as a serious crime in the Criminal Code of Ukraine;
- Are guilty of committing acts which are contrary to the purposes and principles of the United Nations.

Pursuant to article 13, paragraphs 4, 5 and 6, of the Act of Ukraine "on refugees", the procedure for considering an application after a decision has been taken to prepare documents in order to decide whether to grant refugee status stipulates that the migration service body, together with Interior Ministry and Security Service bodies, shall check to determine whether there are circumstances in which refugee status is not granted under article 10, paragraphs 2, 3 and 4, of the Act.

If the applicant does not have identification papers, or if his or her papers are forged or counterfeit, the migration service body and the relevant Interior Ministry and Security Service bodies shall, in accordance with Ukrainian legislation, undertake a procedure to establish the person's identity.

If doubts arise as to the authenticity of the information provided by the applicant or the need to establish the authenticity and validity of the papers that he or she has submitted, the migration service body has the right to make appropriate inquiries with Interior Ministry and Security Service bodies, other State authorities, organs of local self-government and citizens' associations that may help to establish the real facts about the person whose application is being considered.

Subparagraph 3 (g)

In Ukraine, the abuse of refugee status by terrorists is prevented through the possibility of depriving of refugee status persons who are involved in an activity that constitutes a threat to national security, public order or the health of the population of Ukraine, as provided for in article 15, paragraph 4, of the Act of Ukraine "on refugees". Under article 15, paragraphs 4-7 and 16, a request for loss of refugee status may be submitted to the migration service on the basis of a personal application by a person who has been granted refugee status in Ukraine or a petition by an Interior Ministry or Security Service body or another State authority. On the grounds indicated in article 15, paragraphs 1 and 4, the migration service offices in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol may, on their own initiative, submit to the specially empowered central executive authority on migration a request for loss or deprivation of refugee status.

22 December 2001

Cabinet of Ministers of Ukraine

**DECREE ON THE IMPLEMENTATION OF UNITED NATIONS
SECURITY COUNCIL RESOLUTION 1373 (2001) OF
28 SEPTEMBER 2001**

Kyiv, 26 December 2001

Following the adoption by the United Nations Security Council of resolution 1373 (2001) of 28 September 2001, the Cabinet of Ministers decrees that:

1. The Ministries, other central and local executive authorities and the Council of Ministers of the Autonomous Republic of Crimea shall:

- Implement the requirements of United Nations Security Council resolution 1373 (2001) of 28 September 2001 in such a way as to minimize the possible losses to Ukraine, and draw up, within the limits of their authority, a plan of appropriate steps to be taken;
- Provide information when required by the Ministry of Foreign Affairs on progress in implementing the above-mentioned resolution;

2. The Ministry of Foreign Affairs, the Ministry of Economic Affairs and European Integration, the Ministry of the Interior, the Ministry of Defence, the Ministry of Transport, the Ministry of Industrial Policy, the State Committee on the Protection of the State Border, the State Customs Service and the State company for the export and import of military and special products and services (Ukrspetseksport) shall, with the participation of the Security Service, ensure compliance with the requirements to prohibit the provision of any form of support, active or passive, to organizations or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the channels for the supply of weapons to terrorists;

3. The Ministry of Finance, the Ministry of the Interior, the State Tax Administration, with the participation of the Security Service and other central and local executive authorities, and the Council of Ministers of the Autonomous Republic of Crimea, in accordance with Ukrainian legislation and within the limits of their authority, shall take urgent steps to:

- Freeze funds and other financial assets (suspend bank account operations) or economic resources of persons who commit or attempt to commit terrorist acts or participate in or facilitate the commission of terrorist acts, and of organizations owned or controlled by such persons, and of persons and organizations acting on behalf of or at the direction of such persons and organizations, including funds and economic resources derived or generated from property owned or controlled by such persons and organizations linked to them;
- Prevent and suppress the provision, directly or indirectly, by natural and legal persons of any funds, financial assets or economic resources or financial or other related services for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of organizations owned or controlled by such persons and

of persons and organizations acting on behalf of or at the direction of such persons;

- Request the National Bank to inform banks of the requirements of United Nations Security Council resolution 1373 (2001) of 28 September 2001 with respect to financing.

4. The State Committee on the Protection of the State Border, the State Customs Service, the Ministry of the Interior and the Ministry of Transport, with the participation of the Security Service, shall take steps to prevent the movement of terrorists and terrorist groups and shall establish for that purpose effective border controls and controls on issuance of identity papers and travel documents and shall intensify efforts to prevent counterfeiting, forgery or fraudulent use of papers;

5. The State Committee on Nationalities and Migration of Ukraine, the Ministry of the Interior and the Ministry of Justice, with the participation of the Security Service, shall:

- Take steps to deny asylum or refugee status to persons who finance, plan, support or commit terrorist acts;
- Take measures, in conformity with legislation and the norms of international law, to ensure, before deciding to grant asylum or refugee status, that the asylum-seeker or person applying for refugee status has not planned, facilitated or participated in the commission of terrorist acts;
- Ensure, in conformity with the norms of international law and Ukrainian legislation, that asylum and refugee status are not abused by the perpetrators or organizers of terrorist acts or their accomplices, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition by interested States of persons suspected of involvement in terrorism.

6. The Ministry of Justice, the Ministry of the Interior and the Security Service shall provide legal assistance in instituting criminal proceedings relating to counter-terrorism;

7. The Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence, the Security Service and other central executive authorities shall implement international treaties on the prevention and suppression of terrorist acts to which Ukraine is party and shall take action against those guilty of committing such acts;

8. The Security Service, together with the Ministry of Defence, the Ministry of the Interior, the State Tax Administration, the State Committee on the Protection of the State Border and the State Customs Service shall draw up and approve, within one month, a procedure for providing and exchanging information regarding natural and legal persons suspected of terrorist activity; actions or movements of terrorists or terrorist networks; traffic in arms, explosives or dual-use materials; the use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

The State Committee on the Protection of the State Border, the Ministry of the Interior, the State Customs Service, the Ministry of Transport, the State Tax Administration and the Ministry of Defence of Ukraine shall immediately notify the

Security Service, other law enforcement agencies and the State Export Control Service of Ukraine if they discover that an importer of the above-mentioned goods and services may have links with international terrorist groups, for the purpose of verification and of taking appropriate measures to halt actual exports;

9. The Security Service, the State Customs Service, the State Committee on the Protection of the State Border, the State Export Control Service, the State company for the export and import of military and special products and services (Ukrspetseksport), the Ministry of Industrial Policy, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior, the Ministry of Economic Affairs and European Integration and the Ministry of Transport of Ukraine shall take additional steps to strengthen control of international transfers of military and dual-use goods which could be used to commit terrorist acts;

The State Export Control Service, when considering applications for the export, import or transit through Ukrainian territory of military or dual-use goods, shall, if necessary with the participation of the Security Service and the Ministry of Foreign Affairs, check whether the parties to contracts for such international transfers are involved with terrorist groups;

10. The Ministry of Industrial Policy, the Ministry of Defence, the Ministry of the Interior, the Security Service, the Ministry of Health, the National Academy of Science, the Academy of Medical Science, the State Committee for Nuclear Regulation, the Ministry of Fuel and Energy and the Ministry of Agricultural Policy shall take steps to increase the level of protection of vulnerable facilities under the physical protection system and to complete an inventory of articles, materials, equipment and technology which could be used to produce weapons of mass destruction and also conventional weapons and means of delivery, so as to prevent terrorist groups from gaining access to them;

11. The Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice and the Security Service, within the limits of their authority, shall:

- Monitor the counter-terrorism measures which Ukraine is implementing in association with international organizations;
- Take steps to ensure the accession of Ukraine to international treaties against the financing of terrorism, the European Convention on the Compensation of the Victims of Violent Crimes and the draft convention on cybercrime and to implement United Nations Security Council resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001 on increasing cooperation in order to prevent and suppress terrorist acts;
- Expedite the preparation of the draft acts of Ukraine "on counter-terrorism", "on revisions to certain legislative acts of Ukraine on strengthening the fight against terrorism" and of the national counter-terrorism programme.

Prime Minister of Ukraine

A. Kinakh